

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: 2007-09 Legislative Proposals

FOR: DECEMBER BOARD MEETING

TO BE PRESENTED BY: Paul Heinen and Amber Meyer Smith

SUMMARY:

Attached are the Legislative proposals submitted by the DNR Divisions and approved by Secretary Hassett for the 2007-09 Legislative Session. The Department requests your approval.

Highlights of the package and of the upcoming Session will be presented by Paul and Amber.

RECOMMENDATION: Approve the Legislative Proposals

LIST OF ATTACHED MATERIALS:

- No Fiscal Estimate Required
- No Environmental Assessment or Impact Statement Required
- No Background Memo

- Yes Attached
- Yes Attached
- Yes Attached

APPROVED:

/s/

Bureau Director, Paul Heinen

11/17/2006

Date

Administrator,

/s/

Date

11/19/2006

Secretary, Scott Hassett

Date

cc: Amy J. Arthur - AD/5

Legislative Proposals 2007-09

Division of Forestry

1. Creation of Urban Forestry Response Grants

This proposal creates Urban Forestry Response Grants to be paid to municipalities that have been declared a “governor recommended disaster area.” They are funded by reserving a portion of the current annual appropriation from urban forestry grants. This was proposed as 2005 AB 1042 by Representative Mary Williams.

2. Expansion of the County Forest Administrator Grant

This proposal would allow the DNR’s County Forest Administrator Grant to cost-share with counties for dues to the Wisconsin County Forests Association. WCFA membership is very valuable to DNR as it provides a centralized location for county forest work.

3. Simplification of the Managed Forest Law petition deadline

Two different deadlines exist within MFL laws, which creates confusion both for landowners and for DNR. The reasons for creating the two deadlines no longer exists, and this proposal will set one deadline.

Customer Assistance and External Relations

4. Protection of customer email addresses

Currently, if a person obtains a license from DNR, their information is part of a list which can be obtained through an open records request. People have the opportunity to “opt out,” and their names and addresses are removed from such requests. However, no mechanism allows us to remove email address information, and this proposal would create the same opt-out option for people who sign up to receive electronic information from DNR.

5. Alignment of ATV and snowmobile laws regarding operation along a highway

There are trails that accommodate both snowmobiles and ATVs at the same time on the same corridor, but both vehicles do not have the same rules of operation on the corridor. This proposal brings both into conformance. The proposal also conforms ATV and snowmobile funding language to ensure that ATV routes that are funded by the DNR provide linkage to other trails. The change was requested by the Off Road Vehicle Advisory Council.

Air & Waste

6. Recycling of Electronic Waste

This proposal would require manufacturers of select electronic equipment to register with the state and to assume full responsibility for collecting and recycling their mandatory portion of the state recycling requirement, based on a fixed percentage of the sale of this equipment in the state. In addition, a disposal ban for computers and TVs would be implemented two years after passage of legislation. Households currently are not required to recycle electronic equipment containing cathode ray tubes (CRT), which contain 3-5 lbs of lead and other hazardous material.

WI was one of five Midwest states to partner in an initiative to develop the framework for a consistent policy across states in the absence of national policies on electronic recycling. The same proposal was forwarded by the Midwest states partnership in June 2006.

7. Recycling Efficiencies

This proposal transitions (over several years) the RU recycling program to a performance-based program in which individual program performance objectives for responsible units will be scaled to size and resources. This will allow a more efficient use of resources and staff time, rewarding compliance and allowing RUs to take advantage of local market forces more easily.

8. Allow transfer of tax delinquent brownfields without competitive bids

Current law requires counties and the City of Milwaukee to put brownfields they acquire up for competitive bid to interested parties, consuming time and sometimes resulting in unacceptable bids of proposed land uses. This proposal allows transfer of tax delinquent property, without using the competitive bidding process, if environmental pollution is present and the property meets the definition of a brownfield. The proposal will save time for counties and first class cities in transferring contaminated properties to interested and prepared developers and enables faster and more efficient redevelopment of tax delinquent brownfields.

9. Assign judgment of a tax deed without taking title

Currently, only those counties that use the “in rem” tax foreclosure process under s. 75.521 are allowed to assign tax foreclosure judgments directly to eligible parties who have signed a cleanup agreement with DNR. This bill would allow counties that use the tax deed process to also assign deeds directly to eligible parties who sign cleanup agreements with DNR. Therefore, all counties will be able to assign tax delinquent properties, regardless of which tax foreclosure process they use, enabling more contaminated property that is tax delinquent to be cleaned up and put back on the tax roles.

Land

10. Uniform police powers by natural resource officers on non-state park properties

This proposal adds DNR police supervision over state forests, public shooting, trapping or fishing grounds, state recreation areas, state natural areas, the lower Wisconsin state riverway, state trails, streambank protection areas, habitat and fisheries areas, state wildlife areas, state natural resource areas. Current law only gives DNR police supervision over “all state-owned lands and property.” This addition will provide a consistent level and authority of law enforcement on state forests, wildlife areas, natural areas, and other properties owned by the Department that are outside of the state park system.

11. Removal of waterfowl blinds

Currently, waterfowl hunters are allowed to erect permanent waterfowl blinds on state-owned lands 7 days prior to the waterfowl hunting season and they must remove this structure within 7 days after the close of the season. This causes many hunter and environmental conflicts. Even though the blind should be available on a first-come, first-served basis, allowing a permanent blind creates a sense of ownership, causing conflict among waterfowl hunters. Law enforcement and wildlife management also frequently report that hunters are not completely removing the blinds at the end of the season, sometimes leaving boards and nails or other debris in lakes, marshes and ponds, posing hazards to other recreational users (boaters and snowmobilers).

This proposal would only allow the placement of blind structures on state-owned lands that are removed each day. Similar regulations exist for tree stands on DNR lands. This change was requested as part of the 2006 Conservation Congress spring hearings, and the results 3179 to 1437 favored prohibiting the use of permanent blinds.

12. Preference Points for bobcat, fisher, or otter tags

With an increase in the number of applicants and the number of years of preference to successfully draw a tag for bobcat, fisher or otter, we now need additional flexibility to allow applicants to only apply for a preference point. This will allow an applicant to plan for and synchronize when permits are received. Many have asked for the ability to plan for and synchronize the receipt of furbearer harvest permits similar to black bear and other species.

13. Resident landowner preference for turkey permit clarification

This proposal clarifies that in order to qualify for resident landowner preference for wild turkey hunting a resident landowner must own at least 1 parcel, 50 acres of adjacent or non-adjacent land in the same zone applied for.

The 2006 Conservation Congress Spring Hearing questionnaire asked: “Do you favor changing landowner preference from 50 acres in one parcel to 50 acres of adjacent or non-adjacent land in the same zone you apply for?” The question passed statewide 2,568 to 1,663 with 61 counties also voting in favor. The DNR Turkey Committee concurs with this proposal.

Water

14. Wetland notification

In a number of recent instances, property owners have secured local building permits and begun construction only to find that they are building in a wetland without proper permits. This proposal would require county, city, village, and town governments to print a notice on permit documents about the need for wetland approvals from the DNR before commencing building.

15. Citizen Monitoring Program Data

Recognizing that the public plays a valuable role in the collection of data upon which decisions are made regarding our water resources, this proposal seeks to ensure the quality of data collected. More than a dozen states have legislation governing data collected by volunteer monitors. This proposal will ensure quality assurance of data, and define clear parameters for how volunteer monitors can collect data that can be utilized by DNR.

16. Criminalizing falsification of drinking water samples

Surveillance and investigative efforts initiated by the Private Water Supply program since 2002 revealed that some well drillers and pump installers have not been collecting mandatory water samples from the well or pump installation they worked on. They are required to collect a sample for bacteriological analysis upon completion of their work. Instead, some have taken samples from a known safe source. DOJ has already successfully prosecuted one such case, another case is pending.

Criminal penalties would also apply to samples from Public Water Supply systems as well. Several years ago the owner of a noncommunity public water system was prosecuted for microwaving water samples. Criminal penalties are more appropriate and serve as a more effective deterrent.

17. County/Town Floodplain and Shoreland Permitting

This proposal requires the issuance of a county land use permit before the town can process and issue a building permit for a project. Currently, for any development in an unincorporated floodplain or shoreland area, a land use permit must be issued by the county and – in most cases – a building permit must be issued by the town. This dual permit process can cause a lack of coordination between a county and town, and result in

misleading guidance by town officials regarding requirements of floodplain/ shoreland zoning, failure of local governments to take enforcement action against improperly permitted projects, etc.

Since a county land use permit is always required in a floodplain or shoreland area, it makes sense to require the issuance of that permit before the town can issue a building permit for the project.

18. Chapter 31 rewrite related to dams and bridges

The current statute is cumbersome and outdated. Additions over the years have created awkward statutes. Statutes have not kept abreast of changes in dam use and practices. Staff would like to undergo a comprehensive rewrite to take out antiquated language, make it more workable and consistent with current practices without involving policy changes.

19. Regulatory Reform - Insignificant Discharges

Currently, statutes relating to discharges mandate that DNR regulate discharges that may be insignificant or innocuous and have no environmental effect. WPDES permit issuance for these insignificant discharges creates a regulatory burden for DNR, industry, municipalities and individuals. The proposed legislation would create either an exemption for a narrowly defined group of “insignificant discharges” or create a permit by rule that effectively permits such discharges without having them covered by individual or general permits.

20. Streamlining procedures for processing variances to water quality standards

The process for applying for a water quality variance is very cumbersome. DNR currently spends excessive time to process these variances that do not match the permit term, since the maximum variance term is currently 3 years even though the permit term is 5 years. The proposal extends the maximum term of a variance from 3 to 5 years, and provides a process for variances to be processed at the same time as permit reissuance applications. The proposed revisions are intended to streamline the statutory variance process to save administrative time and expense for both the department and regulated entities.

21. Beach tilling on beds of the Great Lakes

Currently, the only way to allow for mechanical control or removal of exotic species and/or debris from Great Lakes beach areas is through an individual permit with a fee of \$500. The fee makes the activity cost prohibitive for individual landowners who are just trying to clean up or help the environment. This legislation would allow such control measures to be exempt from permitting.

Law Enforcement

22. License qualification requirements for hunting, fishing and trapping guides

This proposal would create minimum qualifications in order to be licensed by the state to engage in the practice of guiding individuals or groups in hunting, fishing and trapping for a fee. The proposal will also include record-keeping, reporting requirements and inspection authority, similar to what is in place for other commercial activities that profit from the state's wildlife, such as commercial fishing and taxidermy.